

REMARKS

As a precaution, in responding to the present Final Rejection, Applicants submit a Notice of Appeal herewith.

Applicants and their attorney thank the Examiner for the courtesy of an in-person interview on June 14, 2007. At the interview, attended by William Toreki and Gerry Elman, it was explained that the Batich patent reference does not teach or suggest a therapeutic agent ionically bound to the polyquaternary and so does not anticipate nor render obvious the claims of the present application. It is submitted that the secondary references cited by the Examiner would only be combined upon hindsight and that the subject matter of the claims as currently presented would not be obvious at the time the invention was made to a person having ordinary skill in the art.

The Examiner suggested that the disclosure fails to enable the range of embodiments potentially embraced by claim 1 and that applicants should recite the MMPI's and polymers enabled by the present disclosure. Claims 60 and 61 are proposed to be amended herein in accordance herewith. Applicants ask that the present amendment be entered at this point of the prosecution, after final rejection, as it would better place the application in condition for allowance or appeal and would not necessitate further searching.

Applicants incorporate by reference their argument for patentability over the prior art cited by the Examiner that was presented in the response of November 6, 2006, but modified to refer to the presently amended claims.

Applicants also call the Examiner's attention to an Information Disclosure Statement submitted concurrently in this case. The IDS cites two U.S. patents that were cited by the International Searching Authority in PCT/US2006/032953, which contains disclosure that is somewhat related to the subject matter of the present application.

If the Examiner has any questions or suggestions at this time, he is invited to phone the undersigned attorney. Entry of the amendment and allowance of the claims are respectfully requested.

Respectfully submitted:

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